

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 10, 1997

ALL COUNTY INFORMATION NOTICE NO. I-57-97

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

- ☒ State Law Change
- ☒ Federal Law Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: PERSONAL RESPONSIBILITY & WORK OPPORTUNITY
RECONCILIATION ACT OF 1996, PUBLIC LAW 104-193

REFERENCE: MANUAL SECTIONS (M.S.) 63-300.51(a), 405.12, 502.2, 503.441,
503.442(b), 503.443, 503.45, 504.355, and 802.1 - ALL COUNTY
LETTER (ACL) 97-34

The purpose of this letter is to provide County Welfare Departments (CWDs) with answers to several questions regarding implementation of the Food Stamp Program provisions of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. These responses are based on the most current information available and may be subject to change dependent upon further information received from the United States Department of Agriculture, Food and Consumer Service.

1. Are refugees, asylees, and aliens whose deportation is being withheld eligible to receive food stamps beyond the 5-year period described in Manual Section (M.S.) 63-405.12?

Yes. Refugees, asylees, and aliens whose deportation is being withheld can remain eligible beyond their initial 5-year period if they satisfy one of the other exceptions for qualified aliens (40 quarters, Veteran status, etc.)

2. How are the income and resources of convicted drug felons and fleeing felons treated?

The income and resources of such excluded household members are to be counted in their entirety, as stated in M.S. 63-503.441.

3. How are the income and resources of individuals excluded for failing to satisfy the Able Bodied Adults Without Dependent Children requirements treated?

The income and resources of such excluded household members are considered as unavailable to the household in accordance with M.S. 63-503.443 and 63-503.45.

4. In situations where a Consent for Release of Information cannot be obtained for a non-household member, is the manual system for quarters of coverage information referenced in ACL 97-34 currently operational?

Yes. Several technical amendments to the PRWORA were recently approved by Congress and signed into law by the President. One of these amendments granted the Social Security Administration the authority to disclose quarters of coverage information concerning an alien and an alien's spouse or parents without consent. Therefore, the manual procedure described in ACL 97-34 remains in effect.

5. Can a child be credited with quarters of coverage earned by a parent prior to the birth of the child?

Yes. One of the technical amendments to the PRWORA clarifies that a parent's quarters can be credited to a child if the quarters were worked prior to the date in which the child attains age 18, including those quarters earned prior to the birth of the child.

6. Are the non-citizen children of naturalized citizens eligible?

Yes. Non-citizen children of naturalized citizens may be eligible until they reach their eighteenth birthday. At that point, such children must either become citizens or meet one of the other exceptions in order to be eligible.

7. How is the income of household members excluded under M.S. 63-503.442(b) (primarily ineligible legal non-citizens) to be treated?

This response represents a change in the interpretation of M.S. 63-503.442(b). Effective immediately, CWDs are instructed to perform a single pro-ration of any income attributable to household members excluded under this section. The income of such excluded members is to be computed as follows:

- (a) *Aid to Families with Dependent Children/Temporary Assistance for Needy Families (AFDC/TANF) Income Only*

AFDC/TANF household consists of unmarried, unemployed legal alien father, unmarried citizen mother, and their two citizen children. The public assistance (PA) grant for the family is \$673. The father is ineligible for food stamps, but remains eligible for PA. Divide the total PA grant (\$673) by the number of persons in the family (4). Each person's share is \$168.25. Multiply the \$168.25 by the number of food stamp household members (3). The result (\$504.75) is counted as unearned income to the food stamp household.

(b) Jointly Earned Income and PA

PA household consists of an undocumented alien father, a citizen mother, and their two citizen children. Both parents work, but are paid jointly (one paycheck). Their jointly earned income is \$800. The PA grant for the mother and the two children is \$200. The father is ineligible for PA and for food stamps.

- (1) To pro-rate the jointly earned income, divide the \$800 by the number of persons in the family (4). Each person's share is \$200. Multiply the \$200 by the number of eligible food stamp household members (3). The result (\$600) is counted as earned income to the food stamp household and is subject to allowable deductible expenses, including the 20% earned income deduction. (Note: Allowable exclusions, if any, must be subtracted prior to the pro-ration of the income. Refer to M.S. 63-502.2.)*
- (2) Since the PA grant is being paid only for the citizen mother and the two citizen children, the entire grant amount (\$200) is counted as unearned income to the food stamp household.*

If you have any questions or require further information, please contact David Badal of the Food Stamp Program Bureau, Policy Implementation Unit, at (916) 654-1405.



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